

Texas Children and the 2025 Legislative Session

Review of Policy Progress During
the 2025 Texas Legislative Session:

Child Protection and Children's Mental Health

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This session, the legislature took action to continue and moderately expand the Texas Family First pilot program, an important step towards our goal of reducing the number of children who enter foster care because of their unmet mental health needs. They also passed modest funding increases for children's mental health and bills to support older youth in foster care. However, they failed to pass other critical proposals, such as covering additional children's mental health services under Medicaid health insurance, adequately funding YES Waiver mental health services, and investing in legal representation for families in Child Protective Services (CPS) cases.

The Texas Family First pilots are designed to safely prevent children from entering foster care when the right support and court supervision can help them remain with their families. This is a significant challenge in Texas. In 2024, 530 children (6% of removals) entered foster care due to unmet mental health needs — not because of abuse or neglect. An additional 224 entered care when parents shared custody with the state so their child could access treatment. Under the Texas Family First pilots, when there are serious concerns about a child's safety, a judge can order the family to participate in research-backed services — like intensive mental health treatment, substance use recovery programs, or in-home behavioral support — and oversee the family's progress and the child's well-being. We appreciate that lawmakers appropriated \$23 million in state funding to continue the pilot program. Without the new state funding, the program would have shut down as federal funding expires this year. Legislators also approved thoughtful, incremental expansions to the pilot programs. The pilots will now be able to serve children who are at risk of entering foster care because of serious behavioral health needs, not because they are experiencing abuse or neglect. Now they can also use funding to enhance family engagement and offer additional support to families after reunification.

Legislators modestly increased funding for children's mental health, including an additional \$40 million for mobile youth crisis outreach teams. They nearly doubled their investment in the Children's Mental Health Innovation Grant since the last biennium from \$15 million to \$29 million. Lawmakers also passed HB 5342 by Rep. Landgraf — in part thanks to strong advocacy by our partners at NAMI Texas — to create a trust fund supporting both mobile crisis and the state's 988 Suicide & Crisis Lifeline, which offer support to children and adults. Youth with high needs in foster care also received attention as legislators approved a funding increase in the Department of Family and Protective Services (DFPS) budget to enhance behavioral health services and provided \$2.6 million to create a new youth peer support program.

One major disappointment this session was that legislators decreased funding for the Youth Empowerment Services (YES) Waiver, which provides mental health support for children. The YES Waiver funds a wraparound team that provides support at home and in the community — offering caregiver respite, therapy for the child, and connections to specialized treatments. Unfortunately, the program cannot serve all the children who need it due to a provider shortage. According to data from the

Statewide Behavioral Health Coordinating Council, the YES Waiver lost 386 providers between 2020 and 2023, with numbers continuing to decline even as more and more families seek its support each year. That provider shortage is driven, in part, by low payment rates and years of underinvestment.

We are also disappointed that the Legislature did not pass HB 5030 by Rep. Johnson, one of the top priorities this session for our team and our partners. It was a comprehensive bill to improve children's access to several critical mental health services, particularly those that are more intensive than therapy but less intensive than full hospitalization, by covering them through Medicaid health insurance. The bill also aimed to grow the mental health workforce by allowing clinicians working toward licensure to provide care and bill Medicaid. Many of the core strategies in the bill were also filed as stand-alone bills or budget riders. While they did not pass, many of them made progress in the legislative process that should provide momentum for the future. For example, the House passed HB 1716 to address the workforce challenge; HB 475 to cover Multisystemic Therapy under Medicaid; funding for Intensive Outpatient Programs and Partial Hospitalization Programs; and funding for a Psychiatric Residential Treatment Facility, which provide high-quality 24/7 non-hospital mental health care. While these initiatives did not pass the Senate, the strong hearings and bipartisan support showed a clear appetite for addressing the gaps in access to care for children with more serious mental health needs.

In addition to working on access to services, legislators also took steps to address foster care and the broader child protection system.

For the last several years, lawmakers have expanded Community-Based Care (CBC), which transfers foster care duties from the state to local nonprofits. This session, the focus shifted to fixing what isn't working through better oversight, stronger contracts, and more accountability. The Legislature passed SB 1398 by Sen. Kolkhorst to expand the responsibilities of CBC contractors to include assisting families before foster care and after reunification, while also tightening rules for emergency placements, increasing transparency, and requiring regular performance reviews. Other bills passed by Sen. Paxton, Sen. Hancock, and Rep. Aicha Davis give the state more power to intervene when



contractors underperform, including reclaiming cases DFPS has transferred to the contractor, requiring earlier notice before terminating contracts, incorporating community feedback, and allowing courts to place failing contractors under state control. Additionally, SB 513 by Sen. Sparks creates a rural CBC pilot program to help underserved areas, such as West Texas, build a model that best fits their communities.

To further address the foster care system, lawmakers provided \$59.5 million through HB 500 for a long-overdue overhaul of the state's foster care data and case management system. The funding aims to boost child safety and address concerns raised in the federal lawsuit.

The Legislature also passed three key bills to support older youth in foster care:

- As originally filed, HB 1211 by Rep. Lujan would have removed the age cap for youth who age out of foster care to lock in their free college tuition — a benefit already available for life to youth who are adopted. The final version extended the cutoff from age 25 to 27. While this gives young adults who aged out of foster care more time to pursue college and address the unique challenges they face, it still falls short of the long-term support provided to their adopted peers.

- HB 4655 by Rep. Hull strengthens the Preparation for Adult Living program by requiring more comprehensive life skills training, including financial literacy, housing readiness, and access to public benefits, to support individuals in transitioning to adulthood.
- SB 2165 by Sen. Parker ensures courts do not dismiss foster care cases when a child is missing or in juvenile custody, so they don't fall through the cracks while the state is responsible for their care.

Additionally, lawmakers passed legislation to improve how the state interacts with families in CPS cases:

- HB 140 by Rep. Noble requires the DFPS Commissioner to establish an advisory council to review how CPS handles investigations. The council will study past cases and seek to improve fairness and consistency in the application of investigations policies across the state.
- HB 116 by Rep. Dutton repealed "O grounds," a controversial provision that allowed courts to take away parents' rights solely because they didn't complete a service plan even if a judge or jury determines it would be safe to send their child home. Repealing O grounds is a welcome step toward a fairer CPS system.

We're disappointed that the Governor vetoed two bills that Sen. Zaffirini passed to improve legal representation for families in CPS cases — and disappointed that the Legislature did not pass critical funding to support this goal. SB 1838 would have helped counties set fair pay for court-appointed attorneys in CPS cases, and SB 2501 would have allowed parents to choose their attorney from a qualified list. While those two bills would have taken good steps, the Legislature failed to pass funding needed to address the shortage of attorneys for these cases and ensure parents get legal help earlier in the process, when it matters most. Specifically, we're concerned the Legislature did not pass the \$47.5 million request from the Texas Indigent Defense Commission to fund the Family Protection Representation Program. Lawmakers created this program in 2023 to improve legal support for families involved with CPS, but they failed to fund it last session, and once again, it went unfunded. Until the state invests in legal representation, too many families will continue to be at a disadvantage as they try to advocate against removal of their children from their home.

State leaders need to renew efforts to fund legal assistance for families in the CPS system.

Other significant proposals did not pass — but we expect continued discussion in future sessions:

- HB 2216 by Rep. Hull would have required CPS caseworkers to do more to help families stay together before removing a child or terminating a parent's rights. It would have required stronger efforts to connect families to housing, substance use treatment, mental health care, domestic violence services, and more. It also would have raised the standard of evidence needed to remove a child. We supported the goal of better support for families, but the bill did not pass. And without funding or staff to carry out the heightened expectations, the bill could have had the unintended consequence of leaving more children stuck in long-term foster care and overburdening an already overloaded workforce.
- Other bills aimed to change how and when the state can terminate a parent's rights. We agree it's time to revisit this part of the law, especially to better support family reunification while still protecting children. But we had serious concerns about two bills that did not pass, HB 3281 and 3282. We hope future proposed changes to the state's termination laws focus on safely bringing families back together when possible and preventing children from spending unnecessary years in foster care.

Moving forward, Texas must build on this session's progress to address critical gaps in children's mental health services. We'll be watching how Community Based Care contractors take on new family preservation duties and how the Texas Family First Pilots evolve. To treat parents fairly while also ensuring the safety of children, state leaders also need to renew efforts to fund legal assistance for families in the CPS system and revisit how and when the state terminates parental rights.

OUTCOMES FOR KEY CHILD PROTECTION AND CHILDREN'S MENTAL HEALTH LEGISLATION

PASSED

Support Children

HB 116 by Rep. Dutton	Ensures parental rights can't be terminated solely for not completing a service plan, unless there's clear evidence the child is in danger.
HB 140 by Rep. Noble Similar to SB 425 by Sen. Kolkhorst	Creates an advisory board to monitor and recommend improvements for child protection investigations.
HB 1211 by Rep. Lujan Similar to SB 166 by Sen. Menéndez	Raises the age limit on Texas's college tuition waiver for youth who age out of foster care.
HB 2789 by Rep. Frank Similar to SB 1149 by Sen. Sparks	Streamlines foster care regulations as recommended by a safety audit completed over the interim.
HB 2809 by Rep. Rose Similar to SB 640 by Sen. Johnson	Tracks youth suicide attempts in Child Protective Services.
HB 4129 by Rep. A. Davis Similar to SB 2033 by Sen. Paxton	Improves DFPS contract enforcement for Community-Based Care providers.
HB 4655 by Rep. Hull Similar to SB 602 by Sen. West	Improves Preparation for Adult Living Program curriculum related to financial literacy, car ownership, housing, and benefits.
HB 5342 by Rep. Landgraf	Establishes a dedicated 988 Suicide & Crisis Lifeline Trust Fund and supports youth-specific mobile crisis outreach teams.
SB 207 by Sen. Paxton Similar to HB 5251 by Rep. Leo Wilson	Requires school districts to excuse certain absences resulting from an appointment with a mental health care professional.
SB 513 by Sen. Sparks Similar to HB 1536 by Rep. Craddick	Creates a rural Community-Based Care pilot program.

SB 646 by Sen. West	Adds more mental health professionals to loan repayment programs.
SB 1398 by Sen. Kolkhorst	Integrates family preservation services, including those eligible under the Family First Prevention Services Act, into the Community-Based Care system and strengthens accountability for contractors.
SB 1401 by Sen. West	Directs the Texas Higher Education Coordinating Board to create the Texas Mental Health Profession Pipeline Program.
SB 1589 by Sen. Hancock Similar to HB 5415 by Rep. Orr	Allows the state to take back or transfer case management for any cases in a region from one Community-Based Care contractor to another.
SB 2032 by Sen. Paxton Similar to HB 4130 by Rep. A. Davis and HB 5361 by Rep. Shaheen	Authorizes DFPS to terminate a contract with a Community-Based Care provider.
SB 2034 by Sen. Paxton Similar to HB 4131 by Rep. A. Davis and HB 5364 by Rep. Shaheen	Allows courts to place Community-Based Care contractors under state-led emergency management and oversight (i.e., receivership).
SB 2165 by Sen. Parker Similar to HB 4805 by Rep. Johnson	Prohibits DFPS from dismissing CPS cases when a child has run away and is missing.

Impact Children

HB 109 by Rep. Rose	Allows HHSC to establish a residential facility for Children Without Placement for behavioral health and residential services.
SB 400 by Sen. Kolkhorst Provisions passed as part of SB 12 by Sen. Creighton	Requires parental consent for psychological or psychiatric examination, testing, or treatment conducted by a school district employee and clarifies that the bill does not require consent before school employees verbally ask students about their general well-being.
SB 1558 by Sen. Perry Similar to HB 3453 by Rep. Bonnen	Expands liability protection for foster care providers to reduce the cost of their required insurance.

VETOED BY THE GOVERNOR

Support Children

SB 1838 by Sen. Zaffirini

Similar to HB 5551 by Rep. Moody

Would have improved legal representation in CPS cases, added accountability measures for appointed counsel, and required counties to post a fee schedule for legal services.

SB 2501 by Sen. Zaffirini

Would have allowed parents in CPS cases to choose their attorney from a qualified list.

DID NOT PASS

Support Children

HB 38 by Rep. Bucy

Would have improved the Texas Information and Referral Network, which helps families find food, health care, and other family supports in their local area.

HB 330 by Rep. Meza

Would have supported new moms seeking substance use treatment during pregnancy or after giving birth.

HB 475 by Rep. Johnson

Would have added Multisystemic Therapy (MST) to Medicaid coverage. MST is a proven family and community-based treatment for at-risk youth with intensive needs and their families.

HB 488 by Rep. Johnson

Would have added Functional Family Therapy (FFT) to Medicaid coverage. FFT is an intensive, short-term therapeutic model that offers in-home family counseling.

HB 1155 by Rep. Hull

Would have provided monetary assistance to families during a monitored return to support family reunification.

HB 1716 by Rep. Darby

Similar to SB 469 by Sen. Sparks

Would have added mental health services provided by a master's level practitioner to Medicaid coverage.

HB 1955 by Rep. Thompson

Would have established a new early childhood mental health home visiting grant program.

HB 2036 by Rep. Oliverson

Would have added Intensive Outpatient Programs (IOP) and Partial Hospitalization Programs (PHP) to Medicaid coverage.

HB 2216 by Rep. Hull Similar to SB 620 by Sparks	Would have required DFPS to work harder to help families overcome challenges before removing children; ensured more children stay with relatives if they do need to be removed from their parents; and required DFPS to work harder to reunify children with their families throughout a CPS case.
HB 2234 by Rep. Dutton Similar to SB 1306 by Sen. Cook	Would have raised the age of criminal responsibility from 17 to 18, giving judges the option to hold 17-year-olds accountable in the juvenile justice system.
HB 3941 by Rep. Hunter	Would have extended foster care to age 23 and reaffirmed that young adults who age out of foster care have health care coverage until age 26.
HB 4116 by Rep. A. Davis Similar to SB 576 by Sen. West	Would have required DFPS to provide kinship caregivers with written information regarding available resources.
HB 4870 by Rep. A. Davis Similar to SB 1918 by Sen. West	Would have created a grant program for legal representation for kinship caregivers.
HB 5030 by Rep. Johnson	Would have added key children's mental health services — MST, FFT, IOP, and PHP — to Medicaid coverage.
HB 5561 by Rep. Money Similar to SB 194 by Sen. Menéndez	Would have diverted youth in foster care away from the juvenile justice system.
SB 837 by Sen. Kolkhorst	Would have strengthened efforts to keep kids safely with their families and out of foster care by making the Texas Family First Pilots a permanent, statewide program.
SB 1342 by Sen. Johnson	Would have added services in psychiatric residential treatment facilities to Medicaid coverage and improved standards.

Raise Concerns

HB 497 by Rep. Patterson	Would have required a school district employee to receive the consent of a child's parent before providing a student with behavioral or mental health treatment. Parental consent requirements can hinder mental health treatment due to stigma, fear of parental judgment, or financial concerns or could prevent or delay treatment for youth in abusive situations.
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HB 3281 by Rep. Dutton

Similar to SB 1987 by Sen. Hall

Would have only allowed the state to terminate a parent's rights if the child is seriously injured or nearly dies as a result of something the parent did. As a result, in certain cases, such as sexual abuse, children could not be adopted and would remain in foster care until they become adults.

HB 3282 by Rep. Dutton

Would have extended the timeline for CPS cases, delaying the opportunity for a child in foster care to either return home or get adopted.

SB 1727 by Sen. Perry

Similar to HB 3360 by Rep. Cook

Would have prescribed harsher consequences, such as incarceration in an adult prison, for juveniles accused of committing more than one felony offense.

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